

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **William J Hindelang v Paul J Hindelang**

Docket No. **283979**

L.C. No. **2005-069127-CK**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the February 6, 2007 stipulated order dismissing the counter-claim without prejudice is DISMISSED for lack of jurisdiction.

First, the parties stipulated to an order that dismissed the counter-claim against plaintiffs without prejudice. When the parties stipulate to the dismissal of some claims without prejudice so they can pursue an appeal from an earlier order, the stipulated order of dismissal cannot be considered a final order because it neither disposes of all the claims nor adjudicates the rights and liabilities of the parties. *City of Detroit v State of Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004). The stipulated order of dismissal does not prevent the parties from resurrecting the claims dismissed without prejudice at a later date. *Wickings v Arctic Enterprises, Inc*, 244 Mich App 125, 134-136; 624 NW2d 197 (2000). The adoption of the final order rule was meant to stop piecemeal litigation that parties have attempted to pursue in this Court. *City of Detroit, supra* at 545.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN - 5 2008

Date

*Sandra Schultz Mengel*

Chief Clerk